

**IN RE: ENBRIDGE PIPELINES
(ILLINOIS) L.L.C.**

DOCKET NO: 07-0446

NOW COME Shelby Coal Holdings, LLC, Fayette Coal Holdings, LLC and Marion Coal Holdings, LLC (“Shelby Intervenors”), and for their Reply to Enbridge’s Response to Shelby Intervenors’ Motion for Oral Argument, state as follows:

3. Finally, Enbridge's unprofessional and vitriolic description of Shelby Intervenor's Motion as "the whining of parties that are perturbed that the Proposed Order reached

conclusions opposite of those they presented” lacks merit. While the Proposed Order indeed rejects Shelby Intervenor’s arguments, the Administrative Law Judge nowhere criticized Shelby Intervenor’s positions or evidence, and observed that “... the Commission is faced with choosing between two somewhat polar positions, neither of which is without merit.”

4. Enbridge’s position regarding the practical hurdle to obtaining eminent domain ignores the real world consequences of a “public need” determination; once “public need” is determined, eminent domain becomes a more likely outcome. Shelby Intervenor’s do not claim that a finding of public need “automatically trigger[s]” a grant of eminent domain, but have pointed out, as Enbridge’s predecessor admitted, a finding of “public need” from the applicant’s perspective, is sought for the sole purpose of achieving leverage in negotiations with property owners.

5. Granting Shelby Intervenor’s Motion for Oral Argument is in the best interest of the public and the Commission.

WHEREFORE, Shelby Coal Holdings, LLC, Fayette Coal Holdings, LLC and Marion Coal Holdings, LLC (Shelby Intervenor’s), respectfully pray that the Commission reject Enbridge’s opposition to Shelby Intervenor’s Motion for Oral Argument.

Shelby Coal Holdings, LLC, Fayette Coal Holdings, LLC and Marion Coal Holdings, LLC, (Shelby Intervenor’s),

**By: /s/ Scott C. Helmholz
One of Their Attorneys**

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Reply to Enbridge's Response to Shelby Intervenor's Motion for Oral Argument** was electronically served with the Illinois Commerce Commission and served upon the following persons by electronic transmission or via U.S. Mail:

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